

1 MR. FREIMUND: Objection, leading.

2 BY MS. ZELLNER:

3 Q. So my question is: Is that one of the reasons  
4 that you told Mr. Henderson, when you first met with  
5 him, that you knew that it was a forgery?

6 MR. FREIMUND: Objection, leading.

7 MR. BOGDANOVICH: Object to the form, misstates  
8 testimony.

9 MS. FETTERLY: Same.

10 MS. ZELLNER: You can answer the question.

11 THE WITNESS: Question again, please.

12 MS. ZELLNER: Could you read back the question?

13 THE REPORTER: Question, "So my question is:  
14 Is that one of the reasons that you told Mr. Henderson  
15 when you first met with him that you knew that this was  
16 a forgery?"

17 BY MS. ZELLNER:

18 Q. So my question is -- forget about the  
19 signature. Is one of the reasons that you told  
20 Mr. Henderson you knew that was a forgery is because you  
21 had never notarized an inmate's signature?

22 MR. FREIMUND: I object to --

23 MS. ZELLNER: Okay, we've got your objection.

24 THE WITNESS: Correct.

25 MS. ZELLNER: Right.

Objection,  
leading

Response -  
proper to  
develop  
testimony and  
clarify  
confusion

1 BY MS. ZELLNER:

2 Q. So even if the writing your name looked  
3 identical on this document, you still believe that this  
4 is a forgery; is that correct?

5 A. Correct.

6 MR. FREIMUND: Objection, leading.

7 MS. ZELLNER: Okay.

8 BY MS. ZELLNER:

9 Q. You are totally clear in your mind that you  
10 never notarized an inmate's signature, correct?

11 A. Correct.

12 MR. FREIMUND: Objection, leading.

13 MS. ZELLNER: Okay.

14 BY MS. ZELLNER:

15 Q. Someone else in the department notarized  
16 criminal papers; is that right?

17 A. Right.

18 Q. In all the years that you worked there,  
19 notarizing documents, did you ever notarize anything  
20 that was not a civil document?

21 A. No.

22 Q. And counsel was asking you about your desk  
23 being broken into, after your desk was broken into was  
24 the lock ever repaired on your desk?

25 A. No.

1 Q. Was your desk always unlocked after the break  
2 in?

3 A. Yes.

4 Q. Okay. In March of 1985, March 15th, 1985, was  
5 your desk drawer locked or unlocked?

6 MR. BOGDANOVICH: Object.

7 THE WITNESS: Unlocked.

8 MS. ZELLNER: Okay.

9 BY MS. ZELLNER:

10 Q. When you first met with Mr. Henderson, was the  
11 first thing that he did was show you this document, do  
12 you recall?

13 A. Yes.

14 Q. Did Mr. Henderson ask you when he showed you  
15 the document if you believed that you had notarized the  
16 Quit-Claim Deed?

17 A. Yes.

18 Q. And what did you tell him?

19 A. I didn't think so.

20 Q. And why did you tell him you didn't think so?

21 A. Because I don't notarize papers unless the  
22 person is in front of me signing them.

23 Q. Okay. Was there any other reason that you told  
24 him that you did not believe you notarized this  
25 document?



1 A. Because the signatures didn't look right.

2 Q. When you say that Mr. Henderson told you or  
3 talked about Mr. Spencer being framed, did that occur  
4 after he showed you the document or before?

5 A. I think it was before.

6 Q. So he told you Mr. Spencer's been framed. Try  
7 to remember it, do you remember or remember what  
8 sequence it was, did he just walk in your door and say  
9 Mr. Spencer's been framed?

10 MR. FREIMUND: I'm going to object, asked and  
11 answered.

12 MR. BOGDANOVICH: Same.

13 MS. ZELLNER: I want to get this straight, you  
14 guys --

15 MR. FREIMUND: You want an answer, you want to  
16 get a different answer.

17 THE WITNESS: Okay, no.

18 MS. ZELLNER: Well, I need to know the  
19 sequence, no one asked her the sequence.

20 BY MS. ZELLNER:

21 Q. When Mr. Henderson arrived at your house, what  
22 was the first thing he said to you?

23 A. I think that he said that he had this case and  
24 I believe -- yes, he did mention that it was Ray Spencer  
25 and then we sat down and then he showed me all this

Objection -  
question  
calls for  
hearsay

Response -  
not offered  
to prove  
truth, goes  
to impact  
that  
information  
had on  
witness's  
opinion  
about  
whether her  
signature  
was forged

1 paperwork.

2 Q. Okay. And did he at a later point tell you he  
3 thought he had been wrongly convicted?

4 A. Yes.

5 MR. BOGDANOVICH: Object, been asked and  
6 answered.

7 MR. FREIMUND: Join.

8 MS. FETTERLY: Join.

9 BY MS. ZELLNER:

10 Q. And then when you and I met this morning at my  
11 hotel, did I explain our theory of the case to you, why  
12 we were suing these detectives, if you remember?

13 A. Yeah, I think.

14 Q. Okay.

15 A. My brain is mush.

16 Q. All right. Just so it's clear, so in April of  
17 1985 is when you moved to the new office; is that right?

18 A. Correct.

19 Q. And in that office where were the detectives  
20 located in relationship to where your desk was?

21 A. They were still across the lobby. There was a  
22 big -- like our offices here (indicating), there's a  
23 lobby, and then there's offices on the other sides.

24 Q. Is it correct that you were not in a big room  
25 with the detectives?

Objection -  
hearsay  
Not offered  
to prove  
truth, it  
goes to  
impact of  
information  
on Landrum's  
conclusions.  
Also shows  
witness  
competency.

1 A. No, we were not.

2 Q. And during the time that you were in the new  
3 office, because it was unclear to me what you were  
4 saying, were inmates brought by your desk?

5 A. Not in the new office, no.

6 Q. So inmates were brought by your desk in the old  
7 office?

8 A. In the old office.

9 MS. ZELLNER: I don't have any other questions.

10 MR. BOGDANOVICH: I do have a couple follow up.

11

12 FURTHER EXAMINATION

13 BY MR. BOGDANOVICH:

14 Q. Ms. Landrum, in response to Mr. Freimund's  
15 question, he asked you specifically how long before the  
16 move to the new location in April of '85 did your desk  
17 get broken into and you told Mr. Freimund you couldn't  
18 say whether it was weeks, months or years, do you  
19 remember that testimony?

20 A. I do.

21 Q. Now, and then in response to Ms. Zellner's  
22 questions, she asked you, "Was your desk drawer unlocked  
23 in March of 1985?" You said, "Yes, it was." How was it  
24 you were able to answer that question, but not  
25 Mr. Freimund's?



1 A. Because it was never locked after it was broken  
2 into.

3 Q. But you told Mr. Freimund you didn't know when  
4 it had been broken into in relation to the move,  
5 correct?

6 A. Well, we moved in '85. <sup>Errata: '84.</sup> I don't know what year  
7 it was broken into prior to '85, <sup>Errata: '84.</sup> I don't recall.

8 Q. Okay. How do you know then that it was, in  
9 fact, unlocked in March of 1985? Isn't it possible that  
10 desk drawer may have been pried open the last day of  
11 March 1985?

12 A. I don't know.

13 Q. Okay. So, in fact, you don't know?

14 A. I'm not even saying it was done in 1985.

15 Q. Okay. So you don't know, in fact, whether that  
16 desk drawer was unlocked in March of 1985, correct?

17 A. <sup>Errata: April of '84</sup> In March of '85, that's when we moved.

18 Q. Well, you told your --

19 A. April.

20 Q. April, you said it was when you moved. But you  
21 couldn't tell me what part of April, whether it was  
22 early April or late April, correct?

23 A. Not at this point in time.

24 Q. Right.

25 A. That desk drawer was broken into I'm sure a

1 year or maybe two years prior to our move.

2 Q. Okay.

3 A. I'm not sure when it was.

4 Q. That's different than what you answered  
5 Mr. Freimund a few minutes ago, correct?

6 A. What did I say to him?

7 Q. You said you didn't know whether it was weeks,  
8 months or years before the move when your desk drawer  
9 got broken into.

10 A. Well, I'm sure it was years. It couldn't have  
11 been weeks or months, it had to be longer than that.

12 Q. When I had asked you about your first meeting  
13 with Mr. Henderson you told me he told you that they,  
14 being he and the attorneys he worked for on behalf of  
15 Mr. Spencer, believed that your signature had been  
16 forged on the Quit-Claim Deed, right?

Objection -  
calls for  
hearsay;  
cumulative

17 A. Right.

18 Q. Did you tell Mr. Henderson that you believed  
19 your signature was forged?

20 A. I said, yes, it could have been.

21 Q. It could have been?

22 A. Yes.

23 Q. Did you tell him you believed, in fact, it was  
24 forged?

25 A. Not that night, maybe.



1 Q. Okay. You do not state in your declaration  
2 that you believe your signature on that Quit-Claim Deed  
3 is forged, correct?

4 A. No.

5 Q. Why didn't you say that in your declaration?

6 A. I don't know.

7 Q. Because what you said in paragraph five is, "I  
8 have no memory of being called up to the jail to  
9 notarize the signature of an inmate on a Quit-Claim Deed  
10 or any other type of document," correct?

11 A. Right.

12 Q. And then in paragraph six you say, "To my  
13 knowledge, I have never met Mr. Spencer or ever seen him  
14 in person," correct?

15 A. Correct.

16 Q. So why didn't you say in your declaration if,  
17 in fact, you believe your signature was forged, why  
18 didn't you say, my signature on that Quit-Claim Deed was  
19 forged?

20 A. I don't know.

21 Q. Isn't it because you still don't know, as we  
22 sit here today, for sure whether it was or wasn't,  
23 correct?

24 A. Well, that's a question.

25 Q. And I think I understand where you're coming

1 from, and I'm assuming that's why you made the  
2 statements you did in your declaration. You've told us  
3 that you have no memory of ever notarizing anything for  
4 an inmate, correct?

5 A. Correct.

6 Q. So that would lead you to believe that your  
7 signature on this inmate signed form was a forgery,  
8 correct?

9 A. Correct.

10 Q. But that's different than you saying, I know my  
11 signature on that document is forged, would you agree?

12 MS. ZELLNER: I object, because actually she's  
13 been asked and answered this before. She stated that  
14 she believed it was a forgery and you're asking her the  
15 questions and you're trying to change it.

16 MR. BOGDANOVICH: And I'm asking --

17 THE WITNESS: Yeah, you're trying --

18 MR. BOGDANOVICH: No, I'm not.

19 BY MR. BOGDANOVICH:

20 Q. Do you agree with me that those are two  
21 different statements?

22 MS. ZELLNER: Which statements?

23 MR. BOGDANOVICH: All right. Well, I'm going  
24 to ask that there not be speaking objections at this  
25 point.

1 BY MR. BOGDANOVICH:

2 Q. And Ms. Landrum, my question to you is: Let's  
3 take this a piece at a time. You do not state under  
4 oath in your declaration that your signature on that  
5 Quit-Claim Deed was forged, correct?

6 A. It's not on here, no.

7 Q. It's not in your declaration?

8 A. No.

9 Q. By "it's not in your declaration," you did not  
10 make the statement under oath in your declaration that  
11 your signature on the Quit-Claim Deed was forged,  
12 correct?

13 A. But --

14 Q. But; is that correct, you didn't say that in  
15 your declaration?

16 A. No, I did not.

17 Q. So you testified today in your deposition that  
18 you do, in fact, believe that your signature on that  
19 Quit-Claim Deed was forged?

20 A. Yes.

21 Q. Okay. Did you discuss with Mr. Henderson  
22 whether you could make the statement, my signature is  
23 forged on that document when this declaration was  
24 prepared?

25 A. Evidently not, but when I say I did not



1 notarize anything for an inmate in or out of jail, that  
2 should be proof enough that that's not my signature.

3 Q. But that's not what you said in your  
4 declaration, is it? In paragraph five, let's look at it  
5 again. What you said is, "I have no memory of being  
6 called up to the jail," correct?

7 A. Correct.

8 Q. And that is different than saying it never  
9 happened, correct? You're saying I don't remember it  
10 ever happening.

11 A. Whatever, I don't know.

12 Q. Let me ask it this way: Ms. Landrum, as we sit  
13 here today, do you independently recall each and every  
14 time you notarized somebody's signature while you were  
15 working for the sheriff's office?

16 A. No, because I notarized a lot of papers.

17 Q. And so it's possible you may have notarized an  
18 inmate's signature and simply don't recall it at this  
19 point, true?

20 A. No.

21 Q. And why can you be so certain in a span of 20  
22 years that none of the signatures you notarized were of  
23 an inmate under any circumstance?

24 A. If I never went to the jail to notarize a paper  
25 and he was in jail, then somebody's forged my signature.

1 Q. Not necessarily, there were occasions where  
2 inmates were brought from the jail, correct?

3 MS. ZELLNER: I'm going to object to you  
4 sitting here and debating with her. You asked the  
5 question and she's given you the answer you don't want  
6 and now you're trying to twist what she's saying.

7 MR. BOGDANOVICH: Your speaking objection,  
8 Ms. Zellner --

9 MS. ZELLNER: Well, I'm going to object to your  
10 mischaracterization.

11 MR. BOGDANOVICH: Okay.

12 BY MR. BOGDANOVICH:

13 Q. You previously testified, Ms. Landrum, that  
14 inmates were at times walked past your desk, they were  
15 brought from the jail and taken past your work area in  
16 the sheriff's office, correct?

17 MS. ZELLNER: Objection, it's prior to the  
18 move, you're mischaracterizing what she told you.

19 MR. BOGDANOVICH: Counsel, I know you have your  
20 theory, this is improper.

21 MS. ZELLNER: No, I'm going to object to you  
22 mischaracterizing her prior testimony that no inmates  
23 walked past her desk after they moved, that's in the  
24 record.

25 MR. BOGDANOVICH: And you are coaching the

1 witness --

2 MS. ZELLNER: I'm not coaching the witness.

3 MR. BOGDANOVICH: -- because the record is  
4 extremely unclear after your leading questions --

5 MS. ZELLNER: It's not unclear.

6 MR. BOGDANOVICH: -- about what happened where.  
7 And I'm entitled to ask my questions now, and you are  
8 making speaking objections designed to coach the  
9 witness, so it's improper.

10 MS. ZELLNER: And you're badgering the witness.  
11 You've got an answer you don't like and she has  
12 answered, no inmates came by her desk after they moved.

13 THE WITNESS: That's right.

14 BY MR. BOGDANOVICH:

15 Q. Ms. Landrum, it's true, isn't it, that at times  
16 inmates were brought past your work station at the  
17 sheriff's office, correct?

18 MS. ZELLNER: When? Objection. When?

19 THE WITNESS: Yeah, when?

20 MR. BOGDANOVICH: Your objection is noted.

21 MS. ZELLNER: Objection. When?

22 BY MR. BOGDANOVICH:

23 Q. Can you answer my question, at any time that  
24 you worked in the sheriff's office --

25 MS. ZELLNER: In the 20 years, right?



1 MR. FREIMUND: Ms. Zellner, would you please  
2 not --

3 THE WITNESS: You know what, you thought --

4 MR. FREIMUND: You got a right to object to the  
5 form of the question, but that's it.

6 MS. ZELLNER: Don't give him any speeches, he's  
7 not listening.

8 MR. JOHNSON: And I haven't spoken, but I  
9 wanted to acknowledge that Mr. Bogdanovich and  
10 Mr. Freimund are now raising their voices.

11 MR. BOGDANOVICH: To be heard over your  
12 speaking objections. Now, please stay out of it,  
13 Mr. Johnson, you got no right to be a second voice for  
14 the plaintiff, and I'm raising my voice slightly to you  
15 because I'm very frustrated.

16 MR. JOHNSON: Well, I don't think there are  
17 local rules, but I'm just saying --

18 MR. FREIMUND: Yes, there is a local rule  
19 squarely on the point.

20 BY MR. BOGDANOVICH:

21 Q. Okay. Ms. Landrum, I'm asking the questions  
22 now and I'm directing my question to you. At any time  
23 that you worked for the Clark County Sheriff's Office,  
24 were there ever occasions where inmates were brought  
25 past your work station?

1 A. Before '85 or after?

2 Q. At any time.

3 A. No, that question is not right.

4 Q. Do you understand what "at any time" means,  
5 between when you started in, what, 1971 and when you  
6 left in '91. At any time during that 21 years, didn't  
7 you already testify that there were numerous occasions  
8 where inmates would be brought past your work desk?

9 A. Only before 1985.

10 Q. Okay.

11 A. Not after.

12 Q. And yet you say you are certain that you never  
13 would have signed a document that an inmate signed, you  
14 never would have notarized such a document at any time  
15 during your employment with the sheriff's office.

16 A. That's right.

17 Q. And you say that despite, obviously, not being  
18 able to recall each and every signature you notarized,  
19 correct?

20 A. Right. Now, off the record. How would you  
21 remember 20 years from now?

22 THE REPORTER: Is this off the record?

23 MR. BOGDANOVICH: There's no such thing as off  
24 the record, no, and I'm the one asking the questions.

25 THE WITNESS: Dates, no, come on.

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MR. BOGDANOVICH: That's all I have.

MR. FREIMUND: I have no follow up.

MS. FETTERLY: I have none.

MS. ZELLNER: Okay.

(Deposition concluded at 3:27 p.m.)



MENONA LANDRUM,

I have read the transcript of the deposition taken on March 18, 2013, at Vancouver, WA, and make the following additions or corrections:

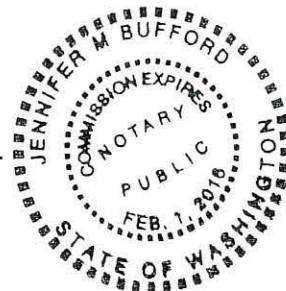
Page	Line	Correction and reason for correction
17	25	In April 1984, the jail was relocated to across the street from the courthouse
17	18	April, 1984
39	13	Incorrect. It was April 1984
40	24	After April 1984, the configuration of my work area was as described line 24
73	24	Incorrect. The office moved April 1984
73	25	
74	3	(Date is 1984 so answer stands line 3)
81	3	1984
81	5	Wrong. It was April 1984.
82	3	Never after we moved in April 1984.
88	18	Incorrect. We moved in April 1984.
90	67	"Well we moved in '84. I don't know what year it was broken into prior '84, I don't recall."

MENONA LANDRUM

90 17 In April of '84 that's when we moved.  
Signed or attested before me on April 8, 2013

99 9 "Only before 1984"  
Notary Public Jennifer M. Bufford  
My appointment expires: February 1, 2016

Case Title: Spencer v. Peters, Krause, Davidson, etc.  
Date of Deposition: March 18, 2013  
US District Ct. of Washington Cause No. C11 5424 BHS  
filed/AS



## C E R T I F I C A T E

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF CLARK )

I, the undersigned Washington Certified Court Reporter, pursuant to RCW

5.28.010 authorized to administer oaths and affirmations in and for the State

of Washington, do hereby certify:

That the annexed and foregoing deposition consisting of Page 1 through 100

of the testimony of each witness named herein was taken stenographically

before me and reduced to a typed format under my direction;

I further certify that according to CR 30 (e) the witness was given the opportunity to examine, read and sign the deposition after the same was

transcribed, unless indicated in the record that the review was waived;

I further certify that all objections made at the time of said examination

to my qualifications or the manner of taking the deposition or to the conduct

of any party have been noted by me upon each said deposition;

I further certify that I am not a relative or employee of any such attorney

or counsel, and that I am not financially interested in the said action or the outcome thereof;

I further certify that each witness before examination was by me duly sworn

to testify the truth, the whole truth and nothing but the truth;

I further certify that the deposition, as transcribed, is a full, true and

correct transcript of the testimony, including questions and answers, and all

objections, motions and exceptions of counsel made and taken at the time of

the foregoing examination and was prepared pursuant to Washington Administrative Code 308-14-135, the transcript preparation format guideline;

I further certify that I am sealing the deposition in an envelope with the

title of the above cause and the name of the witness visible, and I am

delivering the same to the appropriate authority;

I further advise you that as a matter of firm policy, the Stenographic

notes of this transcript will be destroyed three years from the date appearing

on the Certificate unless notice is received otherwise from any party or

counsel hereto on or before said date;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Washington

State CCR Seal this 27th day of March, 2013.



AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Western District of Washington

CLYDE RAY SPENCER, ET AL.

Plaintiff

v.

JAMES M. PETERS, ET AL.,

Defendant

Civil Action No. C11-5424 BHS

(If the action is pending in another district, state where:

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Rider & Associates, Inc.  
613 W 11th St  
Vancouver, WA 98660

Date and Time:

03/18/2013 at 1:00 p.m.

The deposition will be recorded by this method: transcription

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Any and all documents which bear your signature as notary public in and for the State of Washington dated between 1971 through 1991, any and all log book pages generated in connection with any such notary signatures, and any and all records dated between 1971 and 1991 which bear your signature and were generated in connection with your employment with the Clark County Sheriff's Office.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 03/01/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Sharon Krause  
Guy Bogdanovich, Law Lyman Daniel Kamerrer & Bogdanovich, PS, who issues or requests this subpoena, are:  
PO Box 11880, Olympia, WA 98508-1880; Ph: (360) 754-3480  
email: gbogdanovich@lldkb.com



AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. C11-5424 BHS

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☒ I served the subpoena by delivering a copy to the named individual as follows: Menona Landrum,  
10602 NE 19th Street, Vancouver, WA 98664  
 \_\_\_\_\_ on *(date)* 03/01/2013 ; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
 \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ 60.00.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 03/01/2013

\_\_\_\_\_  
*Server's signature*

Guy Bogdanovich, Attorney WSA#14777  
*Printed name and title*

P.O. Box 11880, Olympia, WA 98508-1880

*Server's address*

Additional information regarding attempted service, etc:



## Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

## (c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

## (d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



The Honorable Benjamin Sattle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER, MATTHEW  
RAY SPENCER and KATHRYN E.  
TETZ

Plaintiffs

NO. C11-5424BHS

FORMER DEPUTY PROSECUTING  
ATTORNEY FOR CLARK COUNTY  
JAMES M. PETERS, DETECTIVE  
SHARON KRAUSE, SERGEANT  
MICHAEL DAVIDSON

Defendants

DECLARATION OF  
MENONA D. LANDRUM

NOTED FOR:  
FEBRUARY 8, 2013

I, Menona D. Landrum, make the following declaration under penalty of perjury.

1. I was employed by the Clark County Sheriff's Office in Vancouver from 1971 to 1991. My office job in the Civil Unit at the department required that I be commissioned as a notary public.

2. I am familiar with the Clyde Ray Spencer case, having read about it in the Vancouver daily newspaper and watched the report on 20-20 about Mr. Spencer's legal battle to clear his name and reunite with his children.

3. The detectives worked in another part of the building. While I was acquainted at work with Detective Sharon Krause and Sergeant Michael Davidson, I had no personal or social relationship with either of them.

4. Throughout the years that I was with the Sheriff's Office, I kept my notary seal in a drawer of my desk. For a period of time, I locked the drawer before leaving the office at the end of the day. When I arrived at work one morning, I discovered that someone had pried open the drawer during the night. The seal was still there and nothing else appeared to be missing. When I realized how easily the drawer could be forced open, I saw no purpose in continuing to keep it locked overnight.

5. The county jail is in the same building with the Sheriff's Office. I have no memory of being called up to the jail to notarize the signature of an inmate on a quit-claim deed or any other type of document.

Exhibit 2  
Menona Landrum  
Date: 3-18-13  
Rider & Associates  
800-869-0864

6. To my knowledge, I have never met Mr. Spencer or ever seen him in person.

Signed under penalty of perjury this 24<sup>th</sup> day of January 2013 at Vancouver,  
Washington.

  
MENONA D. LANDRUM

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ONE STOP SERVICES

PAGE 01/02

Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER,

Plaintiff,

No. C11-5424BHS

v.

DECLARATION OF CLYDE  
RAY SPENCER

FORMER DEPUTY PROSECUTING  
ATTORNEY FOR CLARK COUNTY JAMES  
M. PETERS, DETECTIVE SHARON KRAUSE,  
and SERGEANT MICHAEL DAVIDSON,

Defendants.

Pursuant to 28 U.S.C. § 1746, Clyde Ray Spencer declares under penalty of perjury under the laws of the State of Illinois and the United States of America that the following is true and accurate:

1. My name is Clyde Ray Spencer. I am the Plaintiff in the above-captioned matter. I have direct and personal knowledge of the facts stated in this declaration, and will testify to them if called upon to do so.

2. I have reviewed a photocopy of the check issued to me by State of Washington dated February 20, 1985 in the amount of \$12,994.51. I have also reviewed a photocopy of the

DECLARATION OF CLYDE RAY SPENCER  
(C11-5424BHS) — 1

Kathleen T. Zeller & Associates, P.C.  
Law Offices  
1701 West 44th Road  
Bainbridge  
Tacoma, WA 98404

Exhibit 3  
Mengye Landrum  
Date: 3-8-13  
Rider & Associates  
800-869-0864

Spencer006056